



State of West Virginia
Board of Medicine

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ASHISH P. SHETH, MD
VICE PRESIDENT

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

May 8, 2020

Gretchen M. Callas, Esquire
Jackson Kelly PLLC
PO Box 553
Charleston, WV 25322

Re: *City of Huntington; Cabell County Commission v. AmerisourceBergen Drug Corporation, et.al.*
United States District Court for the Southern District of West Virginia
Civil Action No. 3:17-01362; 3:17-01665

Dear Ms. Callas:

On Friday, February 21, 2020, the West Virginia Board of Medicine (hereinafter “BOM”) received a subpoena duces tecum issued on behalf of your client, AmerisourceBergen Drug Corporation (“AmerisourceBergen”) in the above-referenced matter. On March 5, 2020, the BOM produced documents responsive to the subpoena and concurrently submitted its written objections to AmerisourceBergen’s subpoena pursuant to Federal Rule of Procedure 45(d). Thereafter, on March 31, 2020 you sent correspondence to the BOM’s Executive Director, Mark A. Spangler, “on behalf of the Defendants in the above-referenced matter” requesting a conference to discuss the BOM’s March 5, 2020 objection. The BOM responded to your correspondence reaffirming its initial objections. Thereafter, on April 24, 2020, Greg Foster and I met with you and your colleagues via teleconference to discuss certain discrete portions of your document request. The Board provided follow-up correspondence on May 1, 2020. I write in further follow-up to that letter.

While the BOM stands by its original objection response, and reasserts and incorporates all such objections herein, on April 24, 2020 the BOM did agree to explore the existence of minutes or additional minutes in the two meeting cycles preceding the adoption of policies identified in AmerisourceBergen’s Request Nos 35, 36 and 37, and on May 1, 2020 further committed to providing any additional responsive documents. In an effort to provide complete

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records, the Board extended its review beyond two cycles. As a result, please find enclosed the additional minutes which are responsive to AmerisourceBergen's Request Nos 35, 36 and 37. Because we did not originally identify responsive records for the 2005 policy, the Board's search extended to Committees other than the current committees. Please be advised that the Board has not identified any additional records which are responsive to these three requests.

Please contact me directly if you have any questions regarding this correspondence. I may be reached at (304) 558-2921 ext. 49864, or via email at Jamie.S.Alley@wv.gov.

Sincerely,

/s/Jamie Alley

Jamie S. Alley

cc: Mark A. Spangler, Executive Director